

REMARKS

Applicants respectfully request that the above application be reconsidered, as amended. Claims 22-32 are currently pending.

A. Response to Restriction Requirement Pursuant to 35 U.S.C. § 121

At pages 2 of the Office Action, and pursuant to 35 U.S.C. § 121, the restriction requirement with regard to Claims 1 and 16-32 has been made final. Accordingly, and in response thereto, Claim 1 (non-elected subject matter) has been cancelled without disclaimer or prejudice. Applicants retain the right to pursue the non-elected subject matter of Claim 1 in a subsequent divisional application.

B. Response to Rejection of Claims 16-17 under 35 U.S.C. § 102 as Anticipated by Pillhoefer et al

At page 5 of the Office Action (see paragraph 5), Claims 16-17 have again been rejected under 35 U.S.C. § 102(b) as anticipated by U.S Patent 5,455,071 (Pillhoefer et al et al.). Applicants still do not agree that this rejection is proper, and still maintain that the subject matter of these Claims is novel and unobvious over Pillhoefer et al for at least the reasons previously given in Applicants' prior response of March 24, 2005. However, in order facilitate the prosecution and potential allowance of Claims 22-32 (as discussed below), Claims 16-17 have been cancelled without disclaimer or prejudice. Applicants retain the right to pursue the subject matter of cancelled Claims 16-17 in a subsequent continuation application.

C. Response to Rejection of Claims 18-20 under 35 U.S.C. § 103(a) as Unpatentable over Pillhoefer et al.

At page 6 of the Office Action (see paragraph 8), Claims 18-20 have again been rejected under 35 U.S.C. § 103(a) as unpatentable over Pillhoefer et al. Applicants still do not agree that

this rejection is proper, and still maintain that the subject matter of these Claims is unobvious over Pillhoefer et al. for at least the reasons previously given in Applicants' prior response of March 24, 2005. However, in order facilitate the prosecution and potential allowance of Claims 22-32 (as discussed below), Claims 18-20 have been cancelled without disclaimer or prejudice. Applicants retain the right to pursue the subject matter of cancelled Claims 18-20 in a subsequent continuation application.

D. Response to Rejection of Claims 21-32 under 35 U.S.C. § 103(a) as Unpatentable over Pillhoefer et al in View of Walter

At pages 6 of the Office Action, the Examiner has rejected Claims 21-32 under 35 U.S.C. § 103(a) as unpatentable over Pillhoefer et al., in view of U.S. Patent 6,203,851 (Walter). Applicants still do not agree that this rejection is proper with regard to Claim 21, and still maintain that the subject matter of this Claim is unobvious over Pillhoefer et al., even in view of Walter, for at least the reasons previously given in Applicants' prior response of March 24, 2005. However, in order facilitate the prosecution and potential allowance of Claims 22-32 (as discussed below), Claim 21 has been cancelled without disclaimer or prejudice. Applicants retain the right to pursue the subject matter of cancelled Claim 21 in a subsequent continuation application.

Applicants also respectfully traverse the rejection remaining Claims 22-32 over Pillhoefer et al., even in view of Walter. Claims 22-32 are distinguishable over Pillhoefer et al. for at least the following reasons:

2. The path the carrier gas takes when introduced. As pointed out in Applicants' prior response of March 24, 2005, nowhere does Pillhoefer et al. say its gas streams that exit from pipes 9 and/or 10 in FIG. 2 flow in a "curved generally centripetal, downward path" according to Claims 22-32. In addition, it is remains unsupported speculation by the Examiner as to whether the gas streams exiting screens 4A would initially move in a "curved generally centripetal, downward path" according to Claims 22-32. The statement at page 3 of the Office Action

that screens 4a of Pillhoefer et al. would “direct the streams [of inert carrier gas stream], due to their angular arrangement, toward the center of the chamber, or in other words direct the streams on a centripetal path” is not shown by FIG. 2 of Pillhoefer et al. (e.g., by arrows indicating the path of the gas streams exiting screens 4a), and is certainly not taught anywhere in Pillhoefer et al. Again, if the Examiner wishes to persist in the position that the gas streams of Pillhoefer et al exit screens 4A in a “curved generally centripetal, downward path” according Claims 22-32, Applicants respectfully renew their unanswered prior request of March 24, 2005 that the Examiner provide an affidavit/declaration for this belief as required by 37 CFR 1.104(d)(2) because it is based on information personally known to the Examiner, and not what is taught, explicitly or implicitly by Pillhoefer et al.

2. In continuing the flow of inert carrier gas into the coating chamber to the move the metallic coating gas within the coated chamber. See step (e) of Claim 22. Nowhere does Pillhoefer et al. teach or suggest this aspect of the method of Claims 22-32.
3. How the carrier gas is introduced. Pillhoefer et al. introduces the inert carrier gas through carrier gas inlet pipes 9 and 10 into the top of retort chamber 3 and then flows that inert gas through aluminum sources 4 and 11. See FIG. 2 and col. 5, line 63 through col. 6, line 1. By contrast, in the method of Claims 22-32, the inert carrier gas does not flow through the aluminum but is instead introduced “as a plurality of carrier gas streams proximate the top of the coating container.”

Claims 26-28 are further distinguishable over Pillhoefer et al because of the specified gas flow rates for introducing the inert carrier gas. Pillhoefer et al does not teach the gas flow rates defined in Claims 26-28. Indeed, the Office Action concedes that Pillhoefer et al does not teach these claimed gas flow rates. Instead, the Office Action alleges that “the inert gas flow does inherently [have] a flow rate and one of ordinary skill in the art would [reasonably] expect the

flow rate to affect the flushing ability of the inert gas.” Again, this unsupported speculation by the Examiner not taught or suggested by Pillhoefer et al., or any other art relied on by the Examiner. The allegation in the Office Action that these claimed gas flow rates are “obvious” by “optimiz[ing] the gas flow rate” “though routine experimentation” is also unsupported speculation as to what Pillhoefer et al. teaches. Again, if the Examiner wishes to persist in the unsupported position that Pillhoefer teaches or suggests these claimed gas flow rates, Applicants respectfully renew their unanswered prior request of March 24, 2005 that the Examiner provide an affidavit/declaration for this belief as required by 37 CFR 1.104(d)(2) because it is based on information personally known to the Examiner, and not what is taught, explicitly or implicitly by Pillhoefer et al.

Claims 22-32 are also unobvious over Pillhoefer et al, even in view of Walter, for at least the following additional reasons:

1. Walter supplies the propellant gas at or proximate the bottom of container 1, not the top thereof. Unlike either Claims 22-32, or even the embodiment shown in FIG. 2 of Pillhoefer et al, Walter supplies this propellant gas from the bottom of the container, not proximate the top thereof. See gas paths illustrated in FIGs. 1-4 and 6 of Walter where the propellant gas enters container 1 at or proximate the bottom thereof from nozzle aperture 41 of Venturi nozzle 4, as well as col. 2, lines 55-57 which teaches that Venturi nozzle 4 is preferably arranged in the lower region of container 1 so that the propellant gas circulates vertically (i.e., upwardly).
2. Walter does not supply the propellant gas as a plurality of gas streams. Unlike either Claims 22-32, or even the embodiment shown in FIG. 2 of Pillhoefer et al, the propellant gas of Walter is not supplied as a plurality of gas streams. See FIGs. 1-4 and 6 of Walter where the propellant gas appears to exit as essentially a single gas stream from nozzle aperture 41 of Venturi nozzle 4. .

In response, page 4 of the Office Action alleges that it is relying on Walter only to show: (1) “a propellant, either hydrogen or argon, is known in the art to run through the metal source and deposit metallic coating on articles; and (2) “known activators in the art.” Indeed, page 4 of the Office Action concedes that Walter uses “the propellant and activator in a different manner” from that of the method of Claims 22-32. Instead, the Office Action alleges that “Walter suggests that a propellant of hydrogen or argon and an ammonium chloride activator are known in the art to deposit metallic coatings on articles within a container and therefore one of ordinary skill in the art would reasonably expect such propellants and/or activators to be suitable in the process of Pillhoefer et al.

The Office Action has provided absolutely no proper basis for combining the teachings of Walter with those of Pillhoefer et al. relative to the method of Claims 22-32. In particular, the Office Action has failed to properly address why one skilled in the art would even be motivated to consider Walter relevant to the method of Claims 22-32 when Walter does not teach: (1) supplying the propellant at the top of the container; or (2) supplying the propellant gas as a plurality of gas streams. And without proper motivation to combine Walter with Pillhoefer et al., the Examiner has no supportable basis for rejecting Claims 22-32 under 35 U.S.C. § 103(a) as unpatentable over Pillhoefer et al., in view of Walter. Even if Walter were properly combinable Pillhoefer et al., these references combined would still does not teach or suggest the method of Claims 22-32.

For the foregoing reasons, Claims 22-32 are unobvious over Pillhoefer et al., even in view of Walter.

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E. Conclusion

In conclusion, Claims 22-32, are novel and unobvious over the prior art relied in the Office Action. Accordingly, Applicants respectfully request that Claims 22-32 be allowed to issue in the above application.

Respectfully submitted,

For: Gary E. WHEAT et al



Eric W. Guttag
Attorney for Applicants
Reg. No. 28,853
(513) 856-7272
Customer Number 49305

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